

FEB 02 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

D. A. Victor et al.

Serial No.: 09/630,228

Filed: August 1, 2000

For: METHOD, SYSTEM, AND DATA  
STRUCTURES FOR USING METADATA  
IN UPDATING DATA IN A STORAGE  
DEVICE

Examiner: Matthew D. Anderson

Art Unit: 2186



24033

PATENT TRADEMARK OFFICE

Sir:

Transmitted herewith in the above-identified application is an:

☒ Amendment 22 pages.☒ Return Postcard

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The fee has been calculated as shown below:

|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST NO<br>PREVIOUSLY<br>PAID FOR |   | PRESENT<br>EXTRA RATE |   | ADDIT.<br>FEE | OR | RATE  |       | ADDIT.<br>FEE |
|---|---|-------|--------------------------------------|---|-----------------------|---|---------------|----|-------|-------|---------------|
| TOTAL                                     | 51  | MINUS | 48                                   | = | 3                     | x | \$0           | OR | x 18  | \$54  |               |
| INDEP CLAIMS                              | 11  | MINUS | 4                                    | = | 7                     | x | \$0           | OR | x 86  | \$602 |               |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |       |                                      |   |                       | + | \$0           | OR | + 290 | \$    |               |
| TOTAL                                     |   |       |                                      |   |                       |   | \$0           | OR | TOTAL | \$656 |               |

☒ Please charge Deposit Account No. 09-0449 the amount of \$656 to cover the claim fee. A duplicate copy of this sheet is enclosed.☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0449. A duplicate of this sheet is enclosed.☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Dated: January 27, 2004

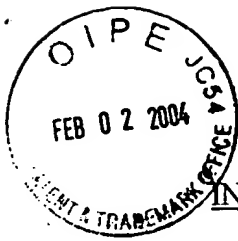
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## CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted by facsimile to Matthew D. Anderson of the U.S. Patent and Trademark Office at 703-872-9306 on January 27, 2004.

David W. Victor

1/27/04  
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.A. Burton et al. Examiner: Matthew D. Anderson  
Serial No.: 09/630,228 Group Art Unit: 2186  
Filed: August 1, 2000 Docket No.: TUC920000013US1  
TITLE: METHOD, SYSTEM, AND DATA STRUCTURES FOR USING  
METADATA IN UPDATING DATA IN A STORAGE DEVICE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 27, 2004.

David W. Victor

**AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

This Amendment is submitted in response to the non-final Office Action dated October 27, 2003 ("Office Action") in which the Examiner rejected claims 1-3, 6, 7, 15-18, 21, 22, 30-33, 36, 37, 42, and 43 as anticipated (35 U.S.C. §102) or obvious (35 U.S.C. §103) over cited art, and found that claims 4, 5, 8-14, 19, 20, 23-29, 34, 35, 38-41, and 44-48 would be allowed if written in independent form to include the requirements of base and intervening claims.

Applicants traverse the prior art rejections for the reasons discussed below. Applicants have rewritten some of the allowable claims in independent form to place in condition for allowance and submit that other of the allowable claims are patentable over the cited art in their current form because they depend from independent claims, which are patentable over the cited art for the reasons discussed herein. Applicants have further added claims 49-51. Applicants submit that pending claims 1-51 are patentable over the cited art and in condition for allowance for the reason discussed herein.

**Amendments to the Specification** begin on page 2.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3.

**Remarks/Arguments** begin on page 16.